



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant: Ernest A. Voisin

Serial No.: 09/121,725

Filed: July 24, 1998

For: A Process of Elimination of Bacteria in
Shellfish, of Shucking Shellfish and
An Apparatus Therefor

Group Art Unit: 1761

Examiner: Drew Becker

Date: May 24, 2004

To the Honorable Commissioner
Of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Box: Board of Patent Appeals and Interferences

APPEAL BRIEF

Sir:

This is an Appeal Brief with respect to the Notice of Appeal filed on March 24, 2004.

1. REAL PARTY IN INTEREST

Innovatit Seafood Systems, LLC, assignee of the entire right in this application is the real party in interest in the present application and appeal.

2. RELATED APPEALS AND INTERFERENCES

An appeal filed on 06/11/03 is pending in a related application Serial No. 09/949,704. However, the appeal in the related application is not believed to directly affect, or be indirectly affected by or have a bearing on the Board's decision in this appeal.

3. STATUS OF CLAIMS

Claims 3, 4, 6, 7, and 27 are pending in the application. Claims 6 and 27 were finally rejected under 35 U.S.C. 102(b) as being anticipated by JP 4356156A in the Office Action of

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